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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,934

04/17/2006

Jiong Lyena Li

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12/13/2006

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EXAMINER

LUPINO, GINA M

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/533,934

Applicant(s)

LI, JIONG LYENA

Examiner

Gina M. Lupino

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Preliminary Amendment

1. The Examiner acknowledges the Applicant's preliminary amendment, but advises Applicant provide a copy of the preliminary amendment, drafted in proper amendment format, as required by the MPEP.

II. Information Disclosure Statement

1. The Examiner does not object to the Information Disclosure Statement, but advises Applicant amend the Information Disclosure Statement to reflect the following:
 - 1.1. The patentee for Foreign Patent Document No. 686896 is "HILDEBRAND", not "Schenk Interservice AG", the assignee.

III. Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because:
 - 1.1. They fail to show features as described in the specification.
 - 1.2. They must show every feature of the invention specified in the claims.
 - 1.3. Therefore, the following feature must be shown or canceled from the claims:
 - 1.3(a) "parking component". See claim 1.
 - 1.3(b) "storage compartments". See claim 15.
 - 1.3(c) "another structure". See claim 7.
 - 1.4. No new matter should be entered.
 - 1.5. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

2.1. Reference character "32" has been used to designate both "number of cars" and "inner bracket".

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:

3.1. They include the following reference character(s) not mentioned in the description 22, 78, 80, 94', 110, 110', 184.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

IV. Specification

Content of Specification

1. The Specification is objected to because of the following informalities:

1.1. Reference character "32" has been used to designate both "number of cars" and "inner bracket". Thus, the Examiner suggests the Applicant clarify whether reference character refers to either "number of cars" or "inner bracket".

V. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

Art Unit: 3652

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites the limitation, "at least some of the parking compartments are adapted...". However, the terms "at least some" provide an unclear range and render claim 12 indefinite because the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c).

VI. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-11, 14-16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by ROTH (U.S. Patent No. 6,004,091).

1.1. With respect to claim 1, ROTH discloses a car park, comprising:

1.1(a) a plurality of annular parking levels. See Figure 1 and column 4, lines 17-19.

1.1(b) an outer structure and central core for supporting parking levels. See Figure 1.

1.1(c) and a hoisting mechanism 24;

1.1(d) wherein each parking level comprises a plurality of parking compartments 26 located between outer structure and inner core, and each level is rotatable to bring a

respective compartment 26 into alignment with hoisting mechanism 24. See Figure 1 and column 4, lines 1-9.

1.2. With respect to claims 2-18, ROTH discloses a car park, as discussed above, and:

1.2(a) With respect to claim 2, where the hoisting mechanism 24 raises or lowers compartments 26 vertically. See column 5, lines 63-64.

1.2(b) With respect to claim 3, where the hoisting mechanism is arranged to raise or lower the parking compartments in a spiral shaped lift well.

1.2(c) With respect to claim 4, with an entrance level 62 where cars may enter the car park and park on a parking compartment, whereby the respective one of parking compartments is movable to a parking location.

1.2(d) With respect to claim 5, the parking compartment 26 is movable to a parking location by means of vertical movement of hoisting mechanism 24.

1.2(e) With respect to claim 6, entry level 62 is at ground level at the bottom of the car park being above ground.

1.2(f) With respect to claim 7, the car park is incorporated into another structure.

1.2(g) With respect to claim 8, the car park has an outer structure that comprises or includes portions of that other structure.

1.2(h) With respect to claim 9, with a plurality of entrance levels. See ROTH, claim 12.

1.2(i) With respect to claim 10, with an entrance and exit separate from each other. See ROTH, claim 12.

1.2(j) With respect to claim 11, with a plurality of hoisting mechanisms 26. See Figure 1.

1.2(k) With respect to claim 14, where the plurality of annular parking levels constitutes a first parking circuit and the car park includes at least one additional parking circuit with

a further plurality of annular parking levels, where the first and second parking circuits are coaxial.

1.2(l) See Figure 1.

1.3. With respect to claim 15, ROTH discloses a storage facility, comprising:

1.3(a) a plurality of annular storage levels. See Figure 1 and column 4, lines 17-19.

1.3(b) an outer structure and central core for supporting storage levels; See Figure 1.

1.3(c) and a hoisting mechanism 24;

1.3(d) wherein each of the plurality of storage levels comprises a plurality of storage compartments 26 located between the outer structure and said inner core, each of said levels is rotatable to bring a respective compartment into alignment with the hoisting mechanism so that the respective compartment can be detached from the respective level and raised or lowered by the hoisting mechanism. See column 4, lines 1-9.

1.3(e) See Figure 1.

1.4. With respect to claims 16 and 18, ROTH discloses a storage facility, as discussed above, and:

1.4(a) With respect to claim 16, each of the storage compartments includes or comprises a container adapted for the intended stored type of article or articles. See Figure 1.

1.4(b) With respect to claim 18, where the plurality of annular storage levels constitutes a first storage circuit and the storage facility includes at least one additional storage circuit comprising a further plurality of annular storage levels, wherein the first and additional storage circuits are coaxial.

1.4(c) See Figure 1.

VII. Claim Rejections - 35 USC § 103

Art Unit: 3652

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH (U.S. Patent No. 6,004,091) in view of JOHNSON (U.S. Patent No. 3,395,815).

1.1(a) With respect to claim 12, ROTH teaches each parking component is adapted to receive one vehicle, but fails to teach some of the parking components are adapted to receive more than one vehicle.

1.1(b) JOHNSON teaches a parking garage with parking components capable of accommodating two vehicles. See Figure 4.

1.1(c) Therefore, it would have been obvious to one of ordinary skill in the art to modify the parking component of ROTH with the larger parking component of JOHNSON in order to store more than one vehicle into a single parking component.

2. Claim(s) 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH (U.S. Patent No. 6,004,091) in view of SALLOUM (U.S. Patent No. 3,378,151).

2.1(a) With respect to claim 13, ROTH teaches the parking garage, as discussed above, but fails to teach at least one drive segment at each level.

2.1(b) With respect to claim 17, ROTH teaches the storage facility, as discussed above, but fails to teach at least one drive segment at each level.

2.1(c) SALLOUM teaches a multi-level parking garage with a plurality of concentric parking platforms with drive segments at each level. See column 2, lines 9-15.

Art Unit: 3652

2.1(d) Therefore, it would have been obvious to one of ordinary skill in the art to modify ROTH with the drive system of SALLOUM in order to rotate the plurality of parking or storage compartments.

VIII. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina M. Lupino whose telephone number is (571) 272-6557. The examiner can normally be reached on 8:30am - 5:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
5. GML



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